

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES SMITH,

Plaintiff,

v.

**STATE OF OHIO REHABILITATION
AND CORRECTIONS, et al.,**

**Case No. 2:15-cv-1272
JUDGE GREGORY L. FROST
Magistrate Judge Elizabeth P. Deavers**

Defendants.

ORDER

This matter is before the Court for consideration of the Magistrate Judge's April 17, 2015 Order and Initial Screen Report and Recommendation. (ECF No. 3.) In that filing, the Magistrate Judge conducted an initial screen under 28 U.S.C. § 1915(e) and recommended that the Court should dismiss Plaintiff's claims against the Ohio Department of Rehabilitation and Corrections and Madison Correctional Institution because they are both entitled to Eleventh Amendment immunity from suit for monetary damages. (*Id.* at Page ID # 49-50.)

The Order and Initial Screen Report and Recommendation specifically advised the parties that a failure to file a timely objection would waive the right to *de novo* review by the undersigned and would waive the right to appeal the judgment of this Court. No objections have been filed, and the time for filing objections has expired.

This Court has reviewed the Order and Initial Screen Report and Recommendation and agrees with the Magistrate Judge's reasoning. The Court therefore **ADOPTS** the Report and Recommendation (ECF No. 3) and **DISMISSES** the Ohio Department of Rehabilitation and

Corrections and Madison Correctional Institution from this action. The claims against Officer Herren remain pending.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE